

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT No. 1420.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF "CREAM OF HOPS" AND "HOP TONIC."

On October 2, 1911, the United States Attorney for the Southern District of Iowa, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of 160 bottles of "Cream of Hops", an article purporting to be a temperance beverage, and 425 bottles of "Hop Tonic", an article purporting to be a temperance beverage, the former in the possession of Shelby C. Weaver, Coin, Iowa, and the latter in the possession of Wilkinson Bros., Blanchard, Iowa. The "Cream of Hops" was labeled "A Non-Intoxicating Beer—Refreshing—Invigorating Cream of Hops (Picture of grapevine and grapes) The Great Health Drink—Sold only and guaranteed by Temperance Beverage Company, Distributors, Chicago—Under the Food and Drugs Act, of June 30, 1906—Serial No. 16427". The "Hop Tonic" was labeled: "A Non-Intoxicating Temperance Beer—Hop Tonic—A Delightful Beverage—Sold only and Guaranteed by Temperance Beverage Co., Distributors—Chicago—Under the Food and Drugs Act, June 30, 1906—Serial No. 16427".

Misbranding was alleged against the product labeled "Cream of Hops", for the reason that the label thereon bore a statement, to wit, "A Non-Intoxicating Beer", which was false and misleading, because said product contained 2.38 per cent of alcohol by volume, and was therefore not a nonintoxicating beer. Misbranding was alleged against the product labeled "Hop Tonic" for the reason that the label thereon bore a statement, to wit, "A Non-Intoxicating Temperance Beer", which was false and misleading because said product contained 1.93 per cent of alcohol by volume, and was therefore not a nonintoxicating temperance beer.

On November 8, 1911, the cases coming on for hearing and no one having appeared as claimant, the court found the products misbranded as alleged in the libels and entered decrees condemning and forfeiting them to the United States and ordering their destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 24, 1912.*